

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3

4 JEFF HULBERT, et al., *

5 Plaintiffs *

6 v. * Case No.:

7 SGT. BRIAN T. POPE, et al., * 1:18-CV-00461 SAG

8 Defendants *

9

10 -----

11 Deposition of CORPORAL RYAN BITTER,

12 taken on Tuesday, December 10, 2019, at

13 10:18 a.m. at Hansel Law, PC, 2514 North Charles

14 Street, Baltimore, Maryland 21218, before Lindsay

15 Badawy, Notary Public.

16 -----

17

18

19

20

21 REPORTED BY: Lindsay Badawy

Exhibit A

1 Q. Very good. What goes on there? Does
2 somebody live there? Are there offices?

3 A. It's where the governor and first lady
4 reside.

5 Q. You mentioned working the console there.
6 What's the console?

7 A. It's a desk, and it's where our cameras
8 are.

9 Q. I assume there's also communications
10 equipment at the console?

11 A. Yes.

12 Q. Does that include radio and telephone
13 communications?

14 A. Yes.

15 Q. You said that there are cameras there.
16 Where do the camera feeds come from?

17 A. An outside source, an outside security
18 company.

19 Q. No, I meant, where are the cameras
20 situated?

21 A. All around the property.

1 **A. Just if a vehicle was blocking the**
2 **vehicle gate and preventing us from entering or**
3 **exiting our vehicle lot on the Governor's**
4 **Mansion. We have a triangle in front of our**
5 **front gate. No one is supposed to occupy that.**
6 **If someone is parked there, we call them to have**
7 **it removed. If there is a vehicle parked in the**
8 **lieutenant governor's spot around the State**
9 **House, we'll call them to have it removed.**

10 Q. What other types of issues do you call
11 the Maryland Capitol Police about?

12 **A. That's pretty much it.**

13 Q. Did you ever have occasion during that
14 five years from '13 to '18 -- roughly five
15 years -- to call the Maryland Capitol Police
16 related to individuals that were either picketers
17 or protestors or anybody like that?

18 **A. Yes.**

19 Q. How many times, approximately, in that
20 five years?

21 **A. I made a call once.**

1 **police to have a uniform come down and stand with**
2 **the picketers for the movement of the lieutenant**
3 **governor.**

4 Q. Let's break that down a little bit. How
5 did you first become aware of the picketers?

6 A. **You could see them standing outside.**

7 Q. Did you see them out the window or on
8 the screen or both?

9 A. **Both.**

10 Q. Describe to me where in the building the
11 console is. Is it sort of on a corner?

12 A. **Yes. It's on the vehicle lot of the**
13 **Governor's Mansion. The back of it faces Lawyers**
14 **Mall.**

15 Q. How much of Lawyers Mall or the sidewalk
16 in front of Lawyers Mall can you see looking out
17 the window?

18 A. **Not a lot.**

19 Q. The people or person you saw we're going
20 to get into in more detail this day in February
21 of 2018. How did you first see them? Out the

1 window? On the scene?

2 **A. The window.**

3 Q. Was that your first awareness that
4 anyone was out there, or had you received any
5 notice from elsewhere that somebody was out
6 there?

7 **A. I believe that's the first time I saw**
8 **them.**

9 Q. Was it the first time you were aware?

10 **A. Yes.**

11 Q. Sorry to be specific, but you understand
12 the difference?

13 **A. Yes.**

14 Q. What were you doing when you looked out
15 the window when you saw them?

16 **A. Just the normal duties of the console.**

17 Q. Were you seated in the chair at the
18 console?

19 **A. Yes.**

20 Q. What did you see when you looked out the
21 window?

1 **A. From what I recall, picketers standing**
2 **on the College Avenue side of Lawyers Mall.**

3 Q. They are on the sidewalk there?

4 **A. I believe so, yes.**

5 Q. How many people did you see?

6 **A. I don't recall.**

7 Q. Did it seem to be a large group or a
8 small group?

9 **A. I don't recall.**

10 Q. Did you see anyone besides the picketers
11 that you recall?

12 **A. No.**

13 Q. What about vehicles? Do you recall any
14 vehicles there?

15 **A. No.**

16 Q. You call them picketers. Did they have
17 signs or anything?

18 **A. I recall they had signs, yes.**

19 Q. Had they started -- I don't know what
20 the term is -- picketing, moving with the signs?
21 What were they doing with the signs when you

1 any of those individuals previously, as far as
2 you know?

3 **A. They were probably there the previous**
4 **week, but we had no dealings with them.**

5 Q. Had you seen them there the previous
6 week?

7 **A. Yes.**

8 Q. Was that also on a Monday? Do they have
9 a regular day of the week that they're there, if
10 you know?

11 **A. I don't recall.**

12 Q. In the previous week you said you had no
13 dealings with them; is that right?

14 **A. Right.**

15 Q. Obviously if you'd seen them violating
16 the law in any way, you would have had some
17 dealings with them one way or another; is that
18 right?

19 **A. No.**

20 Q. Well, you would have called somebody,
21 wouldn't you?

1 **A. Correct.**

2 Q. Did you call anybody about them the
3 previous week?

4 **A. No.**

5 Q. It's fair to say the previous time you
6 saw them they didn't do anything unlawful; is
7 that right?

8 **A. Correct.**

9 Q. As you sit here today, do you remember
10 ever seeing them previously, other than the
11 previous week?

12 **A. No.**

13 Q. In the period of time from this day
14 we're here to talk about, which I think was
15 February 5th of 2018, but this day that you're
16 remembering, whatever the date is, moving forward
17 in time, have you had any other observations of
18 this group or interactions with them at all?

19 **A. No.**

20 Q. What was your regular schedule in
21 February of 2018 as a duty officer? Let me ask

1 Q. Did anyone ever communicate to you that
2 the lieutenant governor did not want to interact
3 with these people in any way?

4 A. I don't recall.

5 Q. Who was the radio call from?

6 A. Whoever was working that day. I don't
7 know.

8 Q. It would have been whoever was the --
9 what was the name of the position? You told me
10 earlier.

11 A. Detail leader.

12 Q. Is that a position that rotated?

13 A. Yes.

14 Q. How big is the detail for the lieutenant
15 governor? How many people?

16 A. On a daily basis, two.

17 Q. So one or the other was the detail
18 leader that night; is that right?

19 A. Correct.

20 Q. Certainly you worked closely with him;
21 is that right?

1 **A. Yes.**

2 Q. Who were the two people who were detail
3 leaders who may have been the detail leader in
4 February of 2018 when you received this radio
5 communication?

6 **A. It could have been Sergeant Shusko or**
7 **TFC Walder.**

8 Q. What's the sergeant's full name?

9 **A. First name is Angelo.**

10 Q. What is his last name?

11 **A. Shusko, S-H-U-S-K-O.**

12 Q. And the trooper first class, what is his
13 full name?

14 **A. Joseph Walder, W-A-L-D-E-R.**

15 Q. So either Sergeant Shusko or TFC Walder
16 radioed you about this movement; is that right?

17 **A. Those two are who were assigned to the**
18 **group I work on. They follow my group, so when**
19 **my group works, they work the lieutenant**
20 **governor. If one of those two were off, a**
21 **fill-in could have been filled in for them. It**

1 **not necessarily were those two that day.**

2 Q. But assuming neither one of them had the
3 day off, it would have been one of those two?

4 **A. Yes.**

5 Q. Do you recall whether one of them had
6 the day off the day in question?

7 **A. I don't recall.**

8 Q. One way or the other, you don't recall?

9 **A. I don't recall.**

10 Q. Do you recall either one of them
11 specifically working that day? For instance, you
12 might have had lunch with them. You might have
13 chatted with them either earlier or at roll call
14 or something. You might have seen them later.
15 Do you recall either one of them either working
16 or not working specifically that day?

17 **A. No.**

18 Q. Are there records that would reflect who
19 was assigned to the lieutenant governor that day,
20 which officers?

21 **A. Yes.**

1 Walder, you don't know if it came from anybody
2 else above them?

3 **A. I don't.**

4 Q. For instance, you don't know if it came,
5 ultimately, from the lieutenant governor or not?

6 **A. I don't.**

7 Q. After the phone call, you said that
8 there were, for lack of a better word -- it
9 sounds to me like they were the only thing kind
10 of going on. After the phone call, did you keep
11 an eye on the console on the cameras and out the
12 window at this little group?

13 **A. Yes.**

14 Q. Did you keep an eye on them until they
15 were gone?

16 **A. Yes.**

17 Q. Did you ever see them break any laws?

18 **A. Not from my vantage point, no.**

19 Q. What did you observe? Well, let me ask
20 you this: After you called the Maryland Capitol
21 Police, when did you next communicate with

1 communicate to the Maryland Capitol Police,
2 right?

3 MR. FREDRICKSON: Objection to the form.

4 Q. (BY MR. HANSEL) Is that right?

5 **A. Correct.**

6 Q. That would be your goal. It's pretty
7 obvious, but is that right?

8 **A. Correct.**

9 MR. FREDRICKSON: Objection to the form.

10 Q. (BY MR. HANSEL) Now, one thing that
11 strikes me about that approach, why would they
12 want you to do it instead of doing it themselves,
13 I guess, to put it most directly, if you know?
14 Is there a procedural reason, or maybe it's
15 because it has to be on the phone and they don't
16 have a phone with them? Is there some --

17 MR. FREDRICKSON: Objection.

18 Go ahead.

19 **A. That's the responsibility of the duty**
20 **officer.**

21 Q. (BY MR. HANSEL) One of your

1 responsibilities is communication with the
2 Maryland Capitol Police; is that right?

3 **A. Correct.**

4 Q. So procedurally, that kind of
5 communication is supposed to go through you; is
6 that right?

7 **A. Correct.**

8 Q. Are those communications -- obviously
9 they're recorded; you and I have both heard an
10 audio recording of them -- but are they logged in
11 any other way or recorded in any other way than
12 that audio recording, in a log, in a notebook, in
13 a spreadsheet, on Excel, whatever it is?

14 **A. I don't know.**

15 Q. But not by you?

16 **A. Correct.**

17 Q. I've been told through other sources
18 that there are sometimes communications that fall
19 in this same category or description from members
20 of the legislature, the senate or the house of
21 delegates, to the Maryland Capitol Police. Do

1 signs, and you believe them to be picketers or
2 protestors?

3 **A. Correct.**

4 Q. So you knew, when you made the call,
5 obviously, that they were there to get some kind
6 of message across, whatever it was, on the signs;
7 is that right?

8 **A. Yes.**

9 Q. Had you, at that point, read the signs?
10 Could you make out what they said from your
11 vantage point either on the video or out the
12 window?

13 **A. No.**

14 Q. So you didn't know the content of the
15 signs?

16 **A. Correct.**

17 Q. Had the content of the signs, as far as
18 you recall, been communicated to you by the folks
19 who called you in connection with the lieutenant
20 governor?

21 **A. I don't recall.**

1 **A. Correct.**

2 Q. In communicating this message to the
3 Maryland Capitol Police, I heard you say that the
4 concern was that they would give him a bunch of
5 stuff for whatever reason. Did you hear that
6 language?

7 **A. Yes.**

8 Q. My understanding of what you're telling
9 me is that you were communicating a message that
10 ultimately came from somebody else. Sitting here
11 today, do you know what you meant by or what they
12 meant in asking you to communicate it, however
13 the particular words were chosen, what was meant
14 by, "give him a bunch of stuff for whatever
15 reason"?

16 MR. FREDRICKSON: Objection to the form.
17 Go ahead.

18 **A. As far as approaching the lieutenant**
19 **governor, whatever their message was they wanted**
20 **to relay to him, being arrogant to him, using**
21 **derogatory language towards him.**

1 Q. (BY MR. HANSEL) So it had to do in the
2 first instance with avoiding the communicating of
3 the message, and in the second instance, avoiding
4 any unpleasant wording in the message; is that
5 fair?

6 A. Correct.

7 Q. The goal in sending an officer out was
8 to avoid those things; is that right?

9 A. Correct.

10 Q. That's how it was communicated to you by
11 the people who were with the lieutenant governor;
12 is that right?

13 MR. FREDRICKSON: Objection to the form.

14 A. Correct.

15 Q. (BY MR. HANSEL) As you've described it,
16 you didn't know what their message was because
17 you couldn't see the signs; is that right?

18 A. Correct.

19 Q. Do you know how the people with the
20 lieutenant governor determined that it might be a
21 message he didn't want to hear or that they might

1 be rude to him or however you would describe it?

2 **A. No.**

3 Q. But since you couldn't see the signs,
4 obviously that was a determination that they
5 made; is that right?

6 **A. Yes.**

7 Q. And then they communicated it to you,
8 and then you communicated it to the Maryland
9 Capitol Police; is that correct?

10 **A. Correct.**

11 Q. So the concern that was communicated to
12 you by the people in Executive Protection with
13 the lieutenant governor was that this particular
14 group might have an unpleasant message for him or
15 one he didn't want to hear; is that right?

16 MR. FREDRICKSON: Objection.

17 **A. Possibly, yes.**

18 Q. (BY MR. HANSEL) In other words, it
19 might possibly be one he doesn't want to hear; is
20 that right?

21 MR. FREDRICKSON: Objection.

1 **A. Possibly, yes.**

2 Q. (BY MR. HANSEL) And then you were
3 directed by those people who were with the
4 lieutenant governor to pass that on to the
5 Maryland Capitol Police; is that right?

6 MR. FREDRICKSON: Objection.

7 **A. They necessarily didn't tell me to call**
8 **them. What we assume happened was they called me**
9 **about the protestors, which then I, in turn,**
10 **called the capitol police.**

11 Q. (BY MR. HANSEL) The goal of the call
12 was to avoid having the protestors give him a
13 bunch of stuff for whatever reason. That's what
14 we're talking about now. That piece of it
15 obviously came because you couldn't see what
16 their message was. That piece of it obviously
17 came from the people with the lieutenant
18 governor, right?

19 MR. FREDRICKSON: Objection.

20 **A. Correct, but our goal is the safety of**
21 **the lieutenant governor.**

1 Q. (BY MR. HANSEL) You obviously didn't
2 have any reason to think -- because what you saw,
3 as we've pieced it together here, were a couple
4 people with signs that you couldn't read, right?

5 A. Correct.

6 Q. And you didn't see any illegal activity?

7 A. From my vantage point, no.

8 Q. You personally didn't have any reason to
9 think they were any kind of threat or anything,
10 obviously?

11 A. No.

12 Q. And because you didn't know their
13 message, you didn't know if it was one that was
14 rude or the lieutenant governor didn't want to
15 hear, right?

16 A. Correct.

17 Q. So that information came from the people
18 with the lieutenant governor; is that right?

19 MR. FREDRICKSON: Objection.

20 A. Correct.

21 Q. (BY MR. HANSEL) That's what you were

1 communicating when you said that the Executive
2 Protection people didn't want the picketers to
3 give them a bunch of stuff for whatever reason?

4 **A. Correct.**

5 Q. In communicating that, the intent was
6 obviously that they would send a trooper out and
7 do whatever could be done to try to avoid the
8 interaction?

9 **A. Correct.**

10 MR. FREDRICKSON: Objection to the form.

11 Q. (BY MR. HANSEL) Is that right?

12 **A. Correct.**

13 Q. That's the message you got from the
14 people with the lieutenant governor, and you
15 relayed it to the people at the Maryland Capitol
16 Police?

17 MR. FREDRICKSON: Objection to the form.

18 **A. Correct.**

19 Q. (BY MR. HANSEL) All right. Thank you,
20 sir. That's all I have today, unless these
21 gentlemen have any questions.